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ABSTRACT

The manual is designed to assist local New York State Committees on the Handicapped in the identification of learning disabled (LD) children and in the development of recommendations for the provision of special education programs and services in the least restrictive educational setting. The manual provides information on: the most currently acceptable definition of the term "learning disability," recognition of the LD child, characteristics of LD students, the referral process, factors involved in deciding whether a child is or is not LD, procedural checkpoints for evaluating a child who may be LD, placement alternatives, considerations for selecting and planning individualized education programs for LD children, and alternatives for those pupils the Committee on the Handicapped determines not to be LD. Appended is information on and a listing of the state's 51 training centers. (DB)

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SERVING THE LEARNING DISABLED CHILD IN NEW YORK STATE

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The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office for Education of Children with Handicapping Conditions
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FOREWORD

During the past several years, considerable attention has been given to the special educational needs of children who are educationally handicapped due to the existence of a learning disability. It has been established that children often exhibit learning difficulties which cannot be attributed to a physical handicap, mental retardation or emotional disturbance or to a social, cultural or economic disadvantage. Such children appear unable to understand, process or accurately communicate information, whether related to their native written or spoken language or to mathematical concepts, and may be educationally handicapped as a result of a learning disability.

In New York State, the determination of a learning disabled child is the responsibility of the local school district Committee on the Handicapped. Such a determination cannot be made easily. There is currently no single definitive measure or system of measures which clearly identifies children who are learning disabled. The purpose of this manual is to present a guideline to Committees on the Handicapped and other individuals having an interest in children who may be learning disabled to ensure that an appropriate determination is made so that the school district may provide an educational program designed to meet the unique needs of each child.

The manual is intended to provide information on:

- The most currently acceptable definition of the term "learning disability."
- Recognition of the learning disabled child.
- Characteristics of students who may have a learning disability.
- The referral process.
- Factors involved in deciding whether a child is or is not learning disabled.
- Procedural checkpoints for evaluating a child who may possibly be learning disabled.
- Placement alternatives for the learning disabled child.
- Considerations for selecting and planning IEP's for children with learning disabilities.
- Alternatives for those pupils the Committee on the Handicapped determines not to be learning disabled.

This manual has been designed to assist school personnel and parents to ensure that those children with learning disabilities are appropriately identified and served by the public education system in New York State. Further information and clarification can be obtained by contacting the Office for Education of Children with Handicapping Conditions.

Robert R. Spillane, Deputy Commissioner
Elementary, Secondary and Continuing
Education

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INTRODUCTION

The determination that a child is learning disabled is the responsibility of the Committee on the Handicapped of the local school district or the school serving the child care agency institution in which the child legally resides. It is the responsibility of the Committee on the Handicapped to recommend a free public education program that is appropriate in respect to the special educational needs of each individual child.

This manual is designed to assist local Committees on the Handicapped in the identification of learning disabled children and in the development of recommendations for the provision of special education programs and services which meet the unique needs of these children in the least restrictive educational setting.

Definitions

A Handicapped Child is one who has been unable to satisfactorily achieve the learning objectives which have been established for all children enrolled in the public schools in New York State without the provision of special education programs and services. Such children are educationally handicapped if their failure to achieve is primarily the result of (a) a visual, hearing or motor handicap, (b) mental retardation, (c) emotional disturbance, (d) autism or (e) a learning disability.

A Learning Disability is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance or of environmental, cultural or economic disadvantage.

Federal regulations pertaining to serving the learning disabled child (Volume 42, No. 250, of the Federal Register, Thursday, December 29, 1977) provide the following *commentary* on the basis for determining that a child has a learning disability.

> "Those with specific learning disabilities may demonstrate their handicap through a variety of symptoms such as hyperactivity, distractability, attention problems, concept association problems, etc. The end result of the effect of these symptoms is a severe discrepancy between achievement and ability. If there is no severe discrepancy between how much should have been learned and what has been learned, there would not be a disability in learning. However, other handicapping and sociological conditions may result in a discrepancy between ability and achievement. There are those for whom these (other) conditions are the primary factors affecting achievement. In such cases, the severe discrepancy may be primarily the result of these factors and not of a severe learning problem. For the purpose of these regulations, when a severe discrepancy between ability and achievement exists which cannot be explained by the presence of other known factors that lead to such a discrepancy, the cause is believed to be a specific learning disability."

Read together, these definitions and commentary require that if the Committee on the Handicapped is to decide that a child is educationally handicapped as a result of a learning disability and in need of special education programs and/or related services it must determine whether a severe learning discrepancy exists, and what factors are *not* the cause of such a discrepancy.

RECOGNIZING THE LEARNING DISABLED CHILD

Who Is the Student With a Learning Disability?

A student with a learning disability is one who:

1. Is not succeeding in school in one or more of the following areas:

   a. Basic reading skill (decoding)
   b. Reading comprehension
   c. Mathematics calculations
   d. Mathematics reasoning
   e. Written expression
   f. Oral expression
   g. Listening comprehension

2. Has had appropriate learning opportunities.

3. Has at least low-average intellectual potential.

and

4. Has a severe discrepancy between intellectual potential and achievement in one or several of the above areas of functioning.

A student with a learning disability *may* also:

5. Show performance variability across academic and nonacademic areas.

6. Exhibit attention and behavior problems that appear related to school failure and frustration.

Who Is Not a Student With a Learning Disability?

A student with a learning disability is *not* a student whose learning problems are *primarily* due to:

1. Other handicapping conditions such as:

   a. Mental retardation
   b. Emotional disturbance
   c. Visual or hearing loss
   d. Motor handicaps

2. Limited learning opportunities because of:

   a. Prolonged absences from school
   b. Lack of consideration for language differences
   c. Inadequate instructional practices

3. Limited learning potential in all areas (i.e. slow learner whose achievement is commensurate with his/her potential).

4. Sociological causes, including environmental, cultural or economic disadvantages, limited proficiency in the English language or other such conditions which may result in, but are not the result of, a learning problem.

Characteristics of Students Who May Have a Learning Disability

There are a number of characteristic behaviors which describe a student with learning problems. A student having learning difficulty may show any number of these characteristic behaviors. Those students who show several of these behaviors may or may not have a learning disability. A nonexhaustive list of these traits is presented below to assist classroom teachers, parents, and other appropriate persons in recognizing children whose learning problems may suggest the existence of a learning disability. In such instances, closer investigation and evaluation are warranted.

1. Poor academic achievement.

2. Variability in performance:

   - Across subject areas
   - From hour to hour or day to day
   - Between subtests measuring intellectual abilities or processing skills

3. Attention problems, i.e. inability to concentrate for even short periods of time, distractibility, attention to irrelevant details.

4. Organization problems, such as:

   - Poor organization of information, i.e. difficulty selecting the main idea, categorizing objects or ideas, organizing stories, outlining, sorting relevant from irrelevant information.

   - Poor organization of time, i.e. difficulty planning ahead, anticipating events, sequencing days, months, seasons, events, completing appropriately chosen tasks within a reasonable time period.

   - Poor organization of space, i.e. problems managing materials on desk or table, difficulty spacing written letters or words on a page, inability to judge distance.

5. Difficulty in understanding spoken or written language, in situations such as:

   - following directions
   - understanding requests or questions
   - attending to conversations
   - following stories
   - responding to language, e.g. by repeating rather than answering
   - responding to gestures instead of language

6. Difficulty using language, in such areas as:

   - remembering words or names
   - sequencing sounds or syllables in words
   - sequencing words in sentences
   - sequencing sentences in paragraphs or stories
   - forming complete sentences
   - confusing verb tenses
   - retelling stories or past events
   - relying on gestures instead of language

7. Poor memory skills, such as difficulty in:

- recalling events
- remembering names of persons or objects
- learning math facts to an automatic level
- learning sight words to an automatic level
- learning letter sounds to an automatic level
- using recall strategies
- remembering directions

8. Poor physical coordination, such as problems with:

- eye-hand coordination
- handwriting or drawing
- playground or physical education activities
- clumsiness

9. Inappropriate characteristics, such as:

- excessive impulsiveness
- poor social judgment
- poor peer relationship
- low frustration tolerance
- atypical activity levels
- school phobia
- truancy
- delinquency

If a student who exhibits these learning problem characteristics can succeed when given supplemental services available to nonhandicapped students, he or she should not be considered learning disabled. Such supplemental services might include Title I programs, PSEN programs (Pupils with Special Educational Needs) and other remedial programs that can be made available to nonhandicapped students. If there continues to be a severe discrepancy between the child's actual learning achievement and the child's expected learning achievement based on intellectual ability, and if behaviors such as those outlined above persist and cannot be corrected through the general educational remedial programs and services available to nonhandicapped children, then the child may be learning disabled and should be referred to the school district Committee on the Handicapped.

If a child is thought to have a learning disability as a result of the school district's formal screening program required by Part 117 of the Regulations of the Commissioner of Education, then the child must be referred to the Committee on the Handicapped no later than 15 days after the completion of the screening. In this case, the referral must be accompanied by the written report of the screening which is prepared by the school district staff.

Summary

It is the responsibility of the Committee on the Handicapped to arrange for the evaluation of a child thought to be learning disabled and to submit its findings and recommendations to the Board of Education and parents of the child to ensure the provision of a free appropriate public education in the least restrictive environment.

The learning problems of a child may be due to a number of reasons, including known physical, mental, or emotional handicaps or sociocultural conditions which are to the child's disadvantage. If none of these factors is the cause, the child may have a learning disability. This term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

The child with a learning problem, in addition to demonstrating measurably severe discrepancies between achievement and ability, may display persistent behaviors which interfere with the learning process. Such children may be learning disabled and should be referred to the Committee on the Handicapped for evaluation. A referral should be made only after general educational remedial programs have been unsuccessful. A referral must be made if the child is thought to be handicapped as a result of the findings of the school's formal screening program.

The remainder of this document presents commentary and guidelines relating to the referral process, evaluation and assessment, the decision-making process and program alternatives for serving the child who may be learning disabled.

REFERRAL

In New York State the process of providing a free appropriate public education to children with specific learning disabilities begins when a child is referred to the Committee on the Handicapped or Board of Education. The referral process should ensure that all children with handicapping conditions are identified and provided appropriate programs. It is also a process which, through effective structure and organization, limits the number of inappropriate referrals to the Committee.

Referrals are made as a result of either observation of the child at home and in school or of the school's screening program. When a professional staff member of a school district, a licensed physician or a parent or guardian observes a child who may be in need of special education and/or related services, a written referral should be sent directly to the Committee or the Board. A pupil who is 18 years or older and who has not received a diploma may also refer himself/herself to the Committee.

A referral must be in writing and go directly to the Board or Committee. It cannot be stopped or screened by the administration or other members of the school district staff. Any disruption of this process would be in violation of the pupil's right to a free appropriate public education. The 30-day time period for determination of eligibility and classification begins when a written referral is received by the Committee on the Handicapped.

The exact content of the written referral is based on locally developed procedures. However, there are certain questions which will result in fewer inappropriate referrals. Two questions commonly included in referral forms are why is the pupil being referred and what assistance has already been provided to help the student overcome his/her learning problems?

The introduction to this manual presented a series of characteristics which may describe a learning disabled student. These characteristics are often put in the form of a checklist or a classroom screening instrument which is useful in the referral process.

A pupil may also be referred as a result of the newly mandated screening program. Each school district must ensure that all new entrants are screened. All students scoring below level two on the third grade reading or math test and all students who obtain a comparable percentile score on the Regents Preliminary Competency Test must also be screened. The screening process must be designed to obtain preliminary information regarding a child's physical development, cognitive development, receptive and expressive language development, articulation skills and motor development.

If the designated district screening staff determines that a pupil may possibly have a handicapping condition, a referral must be made to the Committee on the Handicapped no later than 15 calendar days after completion of the screening. The report to the COH must include a description of the screening devices used and the pupil's performance on these devices. Both the screening results and a behavioral checklist will assist the Committee on the Handicapped in determining additional assessments required for the pupil.

When the referral is received by the Committee on the Handicapped, parental consent must be obtained for evaluation. Certified professionals must perform a multidisciplinary evaluation. A decision is then made by the Committee on the Handicapped in regard to the child's eligibility for special education and/or related services.

MAKING A DECISION

If a child is referred to the Board of Education or the Committee on the Handicapped as a result of a suspected learning disability, it is the responsibility of the Committee to determine whether the child needs special education services. Each local education agency's Committee on the Handicapped must base its recommendations on the results of a multidisciplinary individualized evaluation of the child. The Board of Education makes the final determination based upon a written report of the findings and recommendations of the Committee on the Handicapped.

What Are the Questions to Be Answered

There are essentially three decisions that must be made:

1. Is there a severe discrepancy between achievement and intellectual ability in one or more of the following seven areas relating to communication skills and mathematical abilities?

	No	Yes
a. oral expression.....	___	___
b. listening comprehension.....	___	___
c. written expression.....	___	___
d. basic reading skill (decoding).....	___	___
e. reading comprehension.....	___	___
f. mathematics calculation or.....	___	___
g. mathematics reasoning.....	___	___

2. If yes, is the discrepancy between achievement and ability in one or more of the areas of academic functioning *primarily* the result of:

	No	Yes
a. a visual, hearing or motor handicap?.....	___	___
b. mental retardation?.....	___	___
c. emotional disturbance?.....	___	___
d. environmental, cultural, economic or educational disadvantage?.....	___	___

	No	Yes
3. Can the severe discrepancy between ability and achievement be corrected through educational remedial programs and/or services available to nonhandicapped children?	___	___

Basis for Decision

If the answer to any part of Question #1 is yes, and if the answer to every part of Question #2 and #3 is no, then, and only then, may a child be classified as learning disabled by the Committee on the Handicapped. When a severe discrepancy between ability and achievement exists which cannot be explained by the presence of other known factors that lead to such a discrepancy, the cause is believed to be a learning disability.

Assessment

To answer the above questions, a multidisciplinary evaluation performed by certified professionals is required. Individually administered assessment tools must be carefully chosen so as to assure that they are nondiscriminatory in relation to the student's language and culture. A combination of formal and informal measures should be used.

Due to the broad range of problems which can constitute a learning disability, there are many areas which need to be investigated in order to identify the student's educational needs. The types of assessments which should be included are summarized below. The determination of a handicapping condition and the development of an Individualized Education Program should be based upon the findings in each of these seven areas: individual psychological evaluation; individual educational evaluation; medical examination; social history; educational history; teacher report; and classroom observation.

1) *Individual Psychological Evaluation.* Each student must be given an individual psychological evaluation to assess the current level of intellectual functioning. A student's language and motor skills should be considered when choosing intellectual assessment measures and when interpreting their results. For example, a primarily nonverbal instrument may be most appropriate for a child with limited communication skills. In the same instance, performance subtests should be considered more important when interpreting the results of an evaluation that calls on both verbal and performance skills.

In some cases, an adaptive behavior scale may be necessary to determine the student's intellectual level of functioning.

Followup testing which may be recommended as a result of this evaluation includes:

-- speech and language evaluation
-- neurological examination
-- further assessment of student's emotional status

2) *Individualized Educational Evaluation.* Each child must be given an educational evaluation to assess his/her current level of functioning in the academic areas. During the use of both formal and informal measures, evaluators should take into consideration possible test modifications which may be appropriate for a particular student in view of his/her specific disability. For example, if a student has difficulty writing, reading comprehension should not be assessed through the use of an instrument requiring written responses. This does not mean that the student's writing skills should not also be evaluated. The subject areas which should be assessed are:

-- reading skills and reading comprehension
-- mathematics calculations and reasoning
-- written expression

3) *Medical Examination.* In the case of a suspected learning disability the medical examination should pay special attention to possible visual and/or auditory sensory deficits. Additional, more thorough, visual, auditory, neurological, or physical assessments may be recommended.

4) *Social History.* A social history must be obtained by a qualified professional. The social history will involve an interview with the parent or guardian and if appropriate, the student. The purpose of this process is to obtain information relating to:

-- family composition and history
-- significant family interactions including temporary problems due to crisis situations
-- developmental milestones
-- health of child
-- school adjustment of child
-- home and neighborhood adjustment of child
-- involvement of other professional or social agencies

A model of a thorough Social History is provided in Information Bulletin #16 (available from the State Education Department).

5) *Educational History.* An educational history should be obtained through a review of school records. Items of particular importance when attempting to determine the primary source of a child's learning problems would include:

-- attendance records
-- transitory enrollment patterns (i.e. frequent movement from school to school)
-- transcript and report cards

-- group administered achievement test scores
-- extent and outcome of supplementary services previously provided
-- previous reports from professional staff (i.e. teachers, guidance counselors, administrators)
-- participation in bilingual programs
-- prior referral to the Committee on the Handicapped
-- previous placement in special education programs

6) *Teacher Report.* Information included in the teacher's written report may be collected prior to referral or during the evaluation period. This report should include the following information:

-- reason for referral
-- present performance levels in all academic areas. Description should not be limited to an estimate of grade level but should identify specific skills mastered, recurring problems, error patterns, areas of special strengths or weaknesses
-- teaching methods and instructional materials used in the classroom
-- identification of educational and/or behavioral modifications of regular program which have been attempted, and their outcomes. Modification may include changes in curriculum, instructional materials, instructional methods, or daily schedule, introduction of a behavior management program, peer tutoring, supplementary assignments, use of special equipment (e.g. tape recorder, typewriter, calculator), or assignment to supplementary remedial services (e.g. Title I, PSEN, guidance counseling).
-- statement of teacher's opinion as to child's educational and behavioral needs

7) *Classroom Observation.* Assessment data must include observation of the student by a professional member of the multidisciplinary team, other than the child's classroom teacher. Child should be observed in his/her pre-referral placement.

The written observation report submitted to the Committee on the Handicapped should indicate the child's behavior in classroom interactions with teachers and peers, level of academic performance observed, curricular and/or behavior modifications in place and the effectiveness of those modifications. The observer should attempt to identify additional modifications which would be both appropriate for the child and could be managed within this current placement.

PROCEDURAL CHECKPOINTS FOR EVALUATING A CHILD WHO MAY POSSIBLY BE LEARNING DISABLED

The multidisciplinary evaluation is conducted by a multidisciplinary team, which may be the Committee on the Handicapped with appropriate additional persons, or a separate duly constituted team of specialists. The Committee completes its evaluation using the findings provided by the members of the evaluation team, and prepares a written report detailing its determination and recommendations.

The following questions highlight the basic checkpoints of the procedure that must be used to determine whether a child is learning disabled. The procedure must be followed in a timely manner consistent with Part 200 of the Regulations of the

Commissioner of Education, including the due process rights available to the parent and the child. It should be noted that no formula exists which defines what is meant by "severe discrepancy"; whether a severe discrepancy exists is to be determined by the Committee on the Handicapped utilizing acceptable evaluative procedures and good clinical judgment. An answer of "no" to any of the questions may indicate the procedures used are less than acceptable and that the resulting determination is unfounded.

	No	Yes	Not Applicable
1. Has the COH provided for evaluations by a multidisciplinary team?	—	—	
2. Has the child's regular teacher been included on the team?	—	—	
3. Has at least one person qualified to conduct individual diagnostic examinations contributed to the evaluation?	—	—	
4. Have tests and other evaluation material been provided and administered in the child's native language or other mode of communication?	—	—	
5. Has more than one procedure been used for determining an appropriate educational program for the child?	—	—	
6. Has at least one teacher or other specialist with knowledge in the area of suspected disability been included on the evaluation team?	—	—	
7. Has at least one Committee on the Handicapped member other than the child's regular teacher observed the child's academic performance in the regular classroom setting?	—	—	
8. To the extent possible and appropriate, have individual, standardized diagnostic techniques been included in the evaluation?	—	—	
9. If individual, standardized diagnostic techniques are not appropriate, have non-standardized evaluation techniques, group evaluation techniques or other specific techniques been utilized?	—	—	—
10. If such techniques were used, has the Committee on the Handicapped been provided with statements in writing in regard to:			
a. How these techniques are appropriate for use with the child being evaluated;	—	—	—

	No	Yes	Not Applicable
b. How the results of application of these techniques were used in determining whether the child has a learning disability; and	—	—	—
c. How these techniques have proven relevant to educational functioning and assessment thereof?	—	—	—
11. Has the Committee on the Handicapped prepared a written report which includes:			
a. A statement of whether the child has a learning disability?	—	—	
b. Documentation of all data for making the determination, including test scores, observations and relevant medical findings, if any?	—	—	
c. A statement that the severe discrepancy between achievement and ability is not correctable without special education and related services?	—	—	
d. The determination of the Committee on the Handicapped concerning the effects of environmental, cultural, or economic disadvantage?	—	—	
e. Certification in writing by each Committee on the Handicapped member as to whether the report reflects his or her conclusion?	—	—	
f. A separate statement presenting each dissenting Committee on the Handicapped member's conclusion?	—	—	

RECOMMENDED INDIVIDUALIZED EDUCATION PROGRAMS AND PLACEMENT OPTIONS FOR THE LEARNING DISABLED CHILD

As a result of referral to and evaluation by a local school district Committee on the Handicapped, a pupil may be determined to be learning disabled. When this occurs, the Committee must inform the parents of its decision. An explanation of the parent's due process rights must also be provided. The parent(s) must give written consent for the classification of the child as learning disabled and to the recommendations for placement and services. Once consent has been obtained, the Committee must implement its recommendations consistent with the timelines contained in Part 200 of the Commissioner's Regulations.

The Individualized Education Program - Phase I

In making recommendations for placement and services, the Committee on the Handicapped must consider the unique needs of the pupil which can be met through the provision of special education, related and/or other support services. It is at the Committee level that the development of the Individualized Education Program (IEP) for the pupil begins. In Phase I of IEP development, the pupil's present level of educational performance, the types and amount of special education and related services to be provided, the beginning dates and length of services, and the extent of participation in regular education programs would be developed as a written recommendation. Broad annual goals may also be identified by the Committee during this phase of the process. A program placement recommendation would then be considered in relation to this information and the continuum of alternative placement settings available to pupils with handicapping conditions.

The overriding consideration in the determination of a handicapped pupil's placement is the concept of education in the least restrictive environment. This means a placement which takes into account the pupil's special educational needs, considers the proximity of the placement to the pupil's home, and provides an opportunity for the pupil to interact with nonhandicapped peers to the maximum extent appropriate to his/her needs.

Placement Alternatives

Within New York State, a continuum of services in a variety of educational settings is available to all pupils with handicapping conditions. The placement alternatives range from a regular class program to a restrictive residential or hospital placement.

The intent of placement for the learning disabled pupil is to assist him/her toward successful academic achievement, personal adjustment, and eventual total participation in the regular classroom. The State Education Department encourages placement of students with learning disabilities in settings which appropriately meet the student's educational needs and allow the pupil to have maximum interaction with his/her peers.

The first alternative a Committee on the Handicapped should consider for pupils with learning disabilities is placement in the *regular class program with support services.* In this setting, the pupil may receive two or more periods a week of special instruction in speech or direct developmental, corrective or other supportive services provided by specialists. The extent of these services may range from regular daily sessions to less frequent contacts depending upon the pupil's Individualized Education Program. Recent changes in regulations governing the use of Title I Federal funds allow access to such programs for handicapped children. This does not apply to State-funded PSEN programs.

Based on the severity of the disability, the Committee on the Handicapped may recommend a *resource room program* for the learning disabled student. The services in this program are provided to the pupil who requires placement in a resource room for 20% or more of the school week. While the student may be considered educationally handicapped and receiving special education in the resource room, he/she is based in the regular classroom and interacts with peers during the majority of the instructional day. Appropriate related services may also be provided in this setting.

The *special class program* is an additional alternative available for pupils with handicapping conditions. This setting is more restrictive in that it removes the pupil from a regular class base. In this program the pupil's needs are serious enough to require 60% of the school day in a self-contained special class. Appropriate related services may also be provided. The pupil may enter the regular program part of the day for academic and/or special subjects such as music, physical education, art, etc. At the extreme, the special class teacher would provide all academic and nonacademic instruction to the class. A full-time special class would be located in a nonsegregated facility provided by the district, a neighboring district, or BOCES.

The *special day school program* is similar to the full-time special class except that it is located in a special school serving only handicapped pupils. Placement in this setting is based on severity of handicap. These programs may be provided by a school district, BOCES, or an approved private agency. In this setting, the pupil is able to live at home.

The *residential school program* is the most restrictive placement alternative and should only be made for students whose needs indicate intensive instructional programming which cannot be provided within the regular instructional day. This alternative involves twenty-four hour a day comprehensive services in publicly or privately supported residential settings.

In the event that the district Committee on the Handicapped recommends a private school placement, day or residential, the district must demonstrate that a private facility is being recommended because there is *no* appropriate public facility available. In so doing, the district must identify the public programs that are available for children with learning disabilities and must further demonstrate that the district is unable to locate or develop a public program suitable to the student's needs.

The Individualized Education Program - Phase II

It is through the individualized education program process that a handicapped pupil's needs are ultimately met. Upon completion of Phase I of the process, the results are forwarded to the Board of Education and parents along with information concerning due process rights. Following authorization by the Board, the Committee obtains parental consent to continue pre-placement evaluation in the recommended special program setting.

Information from Phase I of the IEP process is forwarded to the receiving teacher to assist in the development of Phase II in a planning conference. Participants in the planning conference must include the student's teacher, parent, a school district representative, and a member of the evaluation team if the pupil has been evaluated for the first time. During the planning conference more specific short-term instructional objectives for the student are developed and methods and materials to implement them are identified. These relate to the long-range goals identified in Phase I. Parents have an opportunity at this time to assist the teacher in developing short-range objectives and to suggest other areas for inclusion in the pupil's Individualized Education Program. Suggestions may also be made by the teacher regarding home activities to reinforce the objectives of the student's program. Cooperation among the parent, the teacher and other school personnel greatly enhances the pupil's chance for a successful experience.

IMPORTANT CONSIDERATIONS FOR SELECTING AND PLANNING INDIVIDUALIZED EDUCATION PROGRAMS FOR CHILDREN WITH LEARNING DISABILITIES

It is the long-range educational goal of the public education system in New York State that all children achieve the minimum learning competencies required to obtain a high school diploma and to graduate from the public education system. Learning disabled children are recognized as being capable of achieving these minimum competencies which involve the completion of at least sixteen Carnegie Units of high school study in addition to passing the New York State Regents Competency Examinations. If this is to occur, the following priorities must be taken into consideration when developing appropriate Individualized Education Programs:

- early identification, intervention and remediation of severe learning discrepancies at the primary and intermediate grade levels.
- continuing special education programs and services at the intermediate and secondary levels to prevent regression to more severe learning discrepancies due to the child's disabilities.
- the scheduling and coordination of special education programs and services at the secondary level to maximize the child's involvement in the mandated and elective sequences of general education programs required of all children who wish to obtain a high school diploma.
- the involvement of a child and his or her parents in the election of an appropriate sequence of studies at the secondary level, including the option of occupational education and other school programs that will lead to employment upon graduation from high school.
- the involvement of the secondary school principals and guidance personnel to ensure agreements regarding appropriate approved modifications and testing procedures which the child may need in order to demonstrate the minimum achievement required to pass the Regents Competency Tests in the area of mathematics, reading and writing.
- the establishment of a schedule of frequent reviews of the child's progress in achieving the minimum learning competencies required by the competency tests and by the teachers of the courses of study which the child must pass to obtain the sixteen Carnegie units needed to be awarded a diploma.

The points outlined above should have a significant impact on the development and implementation of Individualized Education Programs for children who are educationally handicapped due to a learning disability. The nature of these considerations requires the involvement, understanding, and agreement of a number of persons in the process. These persons are members of the Committee on the Handicapped, those involved in the planning conference, the elementary and secondary school principals and guidance personnel and, above all, the learning disabled child and his or her parents.

ALTERNATIVES FOR THOSE PUPILS DETERMINED NOT TO BE LEARNING DISABLED

As a result of a referral to and evaluation by a local school district Committee on the Handicapped, it may be decided that further evaluation and assessment of the pupil is necessary to make a determination regarding the existence of a learning disability. In this event, the school district would assume the responsibility for ensuring that the additional evaluation and assessment is conducted. If the parent(s) disagree with the results of the school district's evaluation and assessment, they may choose to request an independent evaluation. A school district may then choose to agree with the parent and pay for the independent evaluation or request an impartial hearing in order to show that their evaluation was appropriate. If the impartial hearing officer decides in favor of the parent, the district would be responsible for the cost of the independent evaluation. Conversely, if the hearing officer decides in favor of the district, cost of further evaluation would be the responsibility of the parent. These due process provisions are contained in the Regulations of the Commissioner of Education. They are designed to ensure that the rights of parents and pupils thought to be handicapped are protected.

It is possible that following a referral to and review by a local school district Committee on the Handicapped, a pupil thought to have a learning disability may be determined to have another handicapping condition. If this occurs, the Committee on the Handicapped would proceed to make written recommendations regarding appropriate identification, placement and services for the pupil and forward these to the parent and the Board of Education. Due process provisions of the Commissioner's Regulations apply. A final placement decision must be made within thirty days of the diagnostic placement and be approved by the Board of Education and parents.

A pupil thought to be learning disabled may be determined not to be handicapped following a referral to and review by a local district COH. In this case, the parent(s) would receive a copy of the recommendation sent to the Board of Education and their right to due process would continue to apply.

A pupil determined *not* to have a learning disability may be eligible to receive services through other programs such as PSEN and/or Title I Reading or Math. A pupil may also be referred by the COH to those responsible for the coordination of the respective programs for consideration. Therefore, it may be possible for the pupil to receive appropriate specialized instruction in this manner. Based on local school district resources, other types of support may be available for nonhandicapped students needing assistance.

Referral to other professionals and community agencies is another alternative which the local school district Committee on the Handicapped and parents may utilize. Committees on the Handicapped should provide assistance in locating professionals and agencies which can meet the needs of pupils and their parents.

Do You Need Training and Information On Educating Handicapped Children?

The education of children with handicapping conditions continues to be a challenging field. Changes occur in the laws and regulations established by the Federal and State government. New research is continually being designed and undertaken. Methods and materials of a specialized nature are being produced and marketed.

A variety of personnel from the education community, human and social services agencies and parents are required to work cooperatively to effectively help children with handicapping conditions. Increasing numbers of special children are being integrated into more normal settings, causing teachers and administrators to assume new roles and responsibilities. Parents are becoming participatory planners in the development of individual education plans for their children. The need for current information, appropriate resources and relevant training is great. To meet this need, the State Education Department, Office for Education of Children with Handicapping Conditions (OECHC), administers and supports a network of 51 State Training Centers. The centers are called Special Education Training and Resource Centers (SETRC). They are located in the Boards of Cooperative Educational Services (BOCES) throughout the State, in large city school districts, and at one State University. They are the local contact points for obtaining resources, information and training related to the education of the handicapped. Each center disseminates publications, information about training, and other services available from the OECHC, Division of Development Support Services, Bureau of Program Development. The following material is designed to help you to use the services available through the State Training Network.

Who may use the centers?

- Administrators
- Special education teachers
- Regular education teachers
- Occupational Education Personnel
- Pupil personnel staff
- Committee on the Handicapped members
- Board of Education members
- Representatives of other public, private and voluntary agencies and organizations which serve handicapped children
- College and university personnel
- Students
- Parents of handicapped children including those of preschool age

What training is available through the centers?

Needs assessment information is used to determine the training which is available on a broad variety of topics including:

- Participation in the I.E.P. Planning Conference
- Least Restrictive Environment
- Committee on the Handicapped Roles and Responsibilities
- Board of Education Roles and Responsibility
- Assessment Techniques
- Individualized Education Programs
- Due Process
- Laws and Regulations
- Instructional Media, Materials and Technology in Support of I.E.P.'s
- Placement Procedures

Training is available for:

- Administrators
- Regular Education Teachers
- Special Education Teachers
- Occupational Education Personnel
- Physical Therapists, Speech Therapists
- Resource Room Personnnel and Itinerant Teachers
- Boards of Education
- Parents of Handicapped Children
- Committee on the Handicapped members
- Others involved in the education of handicapped children

What information is available through the centers?

- Information about the current laws and regulations which govern special education
- Information about current books and periodicals on educating handicapped children
- A collection of professional reference materials which are available on loan
- Information about statewide and local assessments of training needs
- Information about special education and related services which are available to the handicapped in the regions
- Information about a collection of more than 300 films on handicapped children which may be borrowed from the State Education Department
- Information about access to computerized data bases
- Information about the latest and most effective instructional media and materials which may be

used or adapted for use with handicapped children
- **Information on the I.E.P. process in New York State**
- **Information on required screening procedures**
- **Information on requirements for graduation and diplomas**

What personnel is available in the centers to provide training and information?

Each center has at least one Training Specialist who is an experienced special education teacher. Many centers are staffed by two or more trainers.

Do center staff members respond to individual requests for information and assistance?

Yes. Trainers may be contacted to consult with educators or parents on a request basis. In some centers, trainers may be able to visit classrooms to offer advice and information.

What State-level resources are available to the centers?

- State-level training on materials and methods which may be duplicated by local trainers
- Copies of training materials which are developed/purchased by the Bureau of Program Development for centers
- State Education Department information bulletins, newsletters, guidelines, handbooks, manuals, fliers
- Access to data bases
- Access to data on statewide assessments of training needs
- Consultation and technical assistance from State Education Department personnel
- Funding of some center activities
- State-provided training to specific populations working with the handicapped

Where are the centers located?

A complete list of the addresses and telephone numbers of the centers is also included. The map on the back page shows the location of the centers.

How can I find out more about the State Training Network?

Contact:

New York State Education Department
Bureau of Program Development
Room 1061, Education Building Annex
Albany, New York 12234
(518) 474-2251

DIRECTORY OF SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS IN NEW YORK STATE

Albany-Schenectady-Schoharie BOCES SETRC
Maywood Elementary School
1979 Central Avenue
Albany, N.Y. 12205
PHONE: (518) 456-9069

Allegany County BOCES SETRC
c/o Learning Diagnostic Center
33 Willetts Avenue
Belmont, N.Y. 14813
PHONE: (716) 268-7652

Broome-Delaware-Tioga BOCES SETRC
P.O. Box 1450
Upper Glenwood Road
Binghamton, N.Y. 13902
PHONE: (607) 729-9301 Ext. 362

Buffalo City SETRC
School #75
99 Monroe Street
Buffalo, N.Y. 14206
PHONE: (716) 856-5595

Cattaraugus-Erie-Wyoming BOCES SETRC
Windfall Road
Olean, N.Y. 14760
PHONE: (716) 372-8293

Cayuga County BOCES SETRC
234 South Street Road
Auburn, N.Y. 13021
PHONE: (315) 253-0361 Ext. 52

Chautauqua County BOCES SETRC
9520 Fredonia Stockton Road
Fredonia, N.Y. 14063
PHONE: (716) 672-4371 Ext. 278

Clinton-Essex-Warren-Washington BOCES SETRC
Box 455
Plattsburgh, N.Y. 12901
PHONE: (518) 561-0100

Cortland-Madison BOCES SETRC
McEvoy Education Center
Clinton Avenue Extension
Cortland, N.Y. 13045
PHONE: (607) 753-9301

SUNY at Binghamton SETRC
Delaware-Chenango BOCES Service Area
Vestal Parkway
Binghamton, N.Y. 13901
PHONE: (607) 798-6770

Dutchess County BOCES SETRC
RD #1, Salt Point Turnpike
Poughkeepsie, N.Y. 12601
PHONE: (914) 471-9200 Ext. 42

Erie #1 and Erie #2-
Cattaraugus BOCES SETRC
4071 Hardt Road
Eden, N.Y. 14057
PHONE: (716) 992-3413

Franklin-Essex-Hamilton BOCES SETRC
Box 28
North Franklin Education Center
Malone, N.Y. 12953
PHONE: (518) 483-1390

Genesee-Wyoming BOCES SETRC
8250 State Street Road
Batavia, N.Y. 14020
PHONE: (716) 343-1400

Greene-Delaware-Schoharie-Otsego
BOCES SETRC
Rexmere Park
Stamford, N.Y. 12167
PHONE: (607) 652-7531 Ext. 53

Hamilton-Fulton-Montgomery BOCES SETRC
FMCC Route 67
Johnstown, N.Y. 12095
PHONE: (518) 762-7754

Herkimer-Fulton-Hamilton-Otsego
BOCES SETRC
Gros Boulevard
Herkimer, N.Y. 13350
PHONE: (315) 866-6040

Jefferson-Lewis-Hamilton-Herkimer-
Oneida BOCES SETRC
Case Junior High School—Room 117
Washington Street
Watertown, N.Y. 13601
PHONE: (315) 782-9229

Livingston-Steuben-Wyoming BOCES SETRC
3 Parkway Education Center
Leicester, N.Y. 14481
PHONE: (716) 382-3331

Madison-Oneida BOCES SETRC
Spring Road
Verona, N.Y. 13478
PHONE: (315) 363-8000

Monroe #1 BOCES SETRC
705 Plank Road
Penfield, N.Y. 14526
PHONE: (716) 671-8614

Monroe #2 Orleans BOCES SETRC
3599 Big Ridge Road
Spencerport, N.Y. 14559
PHONE: (716) 352-2443

Nassau County BOCES SETRC
Salisbury Center
Valentines Road and The Plain Road
Westbury, N.Y. 11590
PHONE: (516) 997-8700 Ext. 296

New York City SETRCs:
New York City SETRC
400 First Avenue-7th Floor
New York, N.Y. 10010
PHONE: (212) 686-6120

4011 Monticello Avenue
P.S. 68
Bronx, N.Y. 10466
PHONE: (212) 325-7231

990 DeKalb Avenue
Brooklyn, N.Y. 11221
PHONE: (212) 443-6083

Edward R. Murrow High School
1600 Avenue L
Brooklyn, N.Y. 11230
PHONE: (212) 258-0188

Kissena School
65-11 155th Street
Flushing, N.Y. 11367
PHONE: (212) 359-7107

Occupational Training Center
155 Thompkins Avenue
Staten Island, N.Y. 10301
PHONE: (212) 273-7800

Oneida-Madison-Herkimer BOCES SETRC
Box 70-Middle Settlement Road
New Hartford, N.Y. 13413
PHONE: (315) 792-4605, 792-4614

Onondaga-Madison BOCES SETRC
6820 Thompson Road
Syracuse, N.Y. 13211
PHONE: (315) 437-0248

Ontario-Seneca-Yates-Cayuga-Wayne
BOCES SETRC
Finger Lakes Education Center
RD #2
Stanley, N.Y. 14561
PHONE: (716) 526-6042

Orange-Ulster BOCES SETRC
Gibson Road
Goshen, N.Y. 10924
PHONE: (914) 294-5431 Ext. 244

Orleans-Niagara BOCES SETRC
4124 Saunders Settlement Road
Sanborn, N.Y. 14132
PHONE: (716) 731-4145 Ext. 33

Oswego BOCES SETRC
P.O. Box 488 County Route 64
Mexico, N.Y. 13114
PHONE: (315) 963-7252

Rensselaer-Columbia-Greene BOCES SETRC
1562 Columbia Turnpike, Castleton, N.Y. 12033
(Mailing Address:
1550 Schuurman Road
Castleton, N.Y. 12033)
PHONE: (518) 477-8751

City of Rochester SETRC
Central Administrative Offices
131 Broad Street West
Rochester, N.Y. 14608
PHONE: (716) 325-4560 Ext. 2711

Rockland County BOCES SETRC
61 Parrott Road
West Nyack, N.Y. 10994
PHONE: (914) 623-3828 Ext. 266

St. Lawrence BOCES SETRC
Potsdam C.S. Red Annex
Leroy Street
Potsdam, N.Y. 13676
PHONE: (315) 265-8116

Saratoga-Warren BOCES SETRC
Meyers Education Center
Henning Road
Saratoga Springs, N.Y. 12866
PHONE: (518) 584-3239

Schuyler-Chemung-Tioga BOCES SETRC
431 Philo Road
Elmira, N.Y. 14903
PHONE: (607) 739-3581 Ext. 223

Steuben-Allegany BOCES SETRC
6666 Babcock Hollow Road
Bath, N.Y. 14810
(Mailing Address:
Wildwood Campus-Bldg. #3
North Main Street Extension
Hornell, N.Y. 14843)
PHONE: (607) 324-5893

Suffolk #2 BOCES SETRC
Greene Avenue School
Greene Avenue
Sayville, N.Y. 11782
PHONE: (516) 567-1121

Sullivan BOCES SETRC
Ferndale Loomis Road
Box 391
Liberty, N.Y. 12754
PHONE: (914) 292-7500

Syracuse City SETRC
Percy Hughes School
345 Jamesville Avenue
Syracuse, N.Y. 13210
PHONE: (315) 425-4156

Tompkins-Seneca-Tioga BOCES SETRC
555 South Warren Road
Ithaca, N.Y. 14850
PHONE: (607) 257-1551 Ext. 276

Ulster County BOCES SETRC
175 Route 32 North
New Paltz, N.Y. 12561
PHONE: (914) 255-1402

Washington-Warren-Hamilton-Essex
BOCES SETRC
Special Education Building
Dix Avenue
Hudson Falls, N.Y. 12839
PHONE: (518) 793-7721 Ext. 219

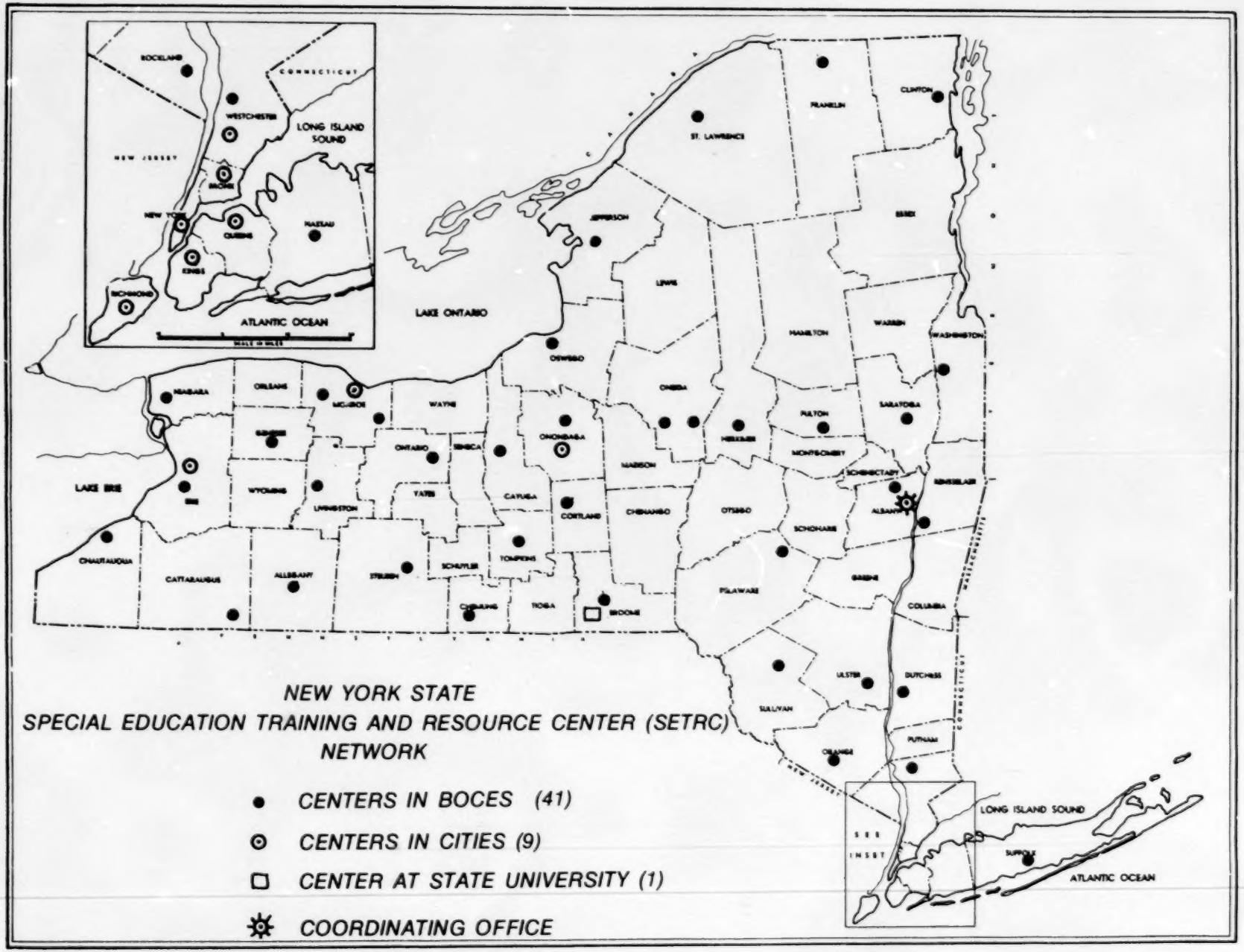
Westchester-Putnam BOCES #1 SETRC
Pinesbridge Road
Yorktown Heights, N.Y. 10598
PHONE: (914) 245-2700 Ext. 245

Westchester BOCES #2 SETRC
Learning Resource Center
Concord Road
Ardsley, N.Y. 10502
PHONE: (914) 693-7576

Yonkers City SETRC
School #32 Dexter Road
Yonkers, N.Y. 10701
PHONE: (914) 963-0592

Coordinating Office:

New York State Education Department
Office for Education of Children with
Handicapping Conditions
Division of Development Support Services
Bureau of Program Development
Albany, N.Y. 12234
(518) 474-2251



NEW YORK STATE
SPECIAL EDUCATION TRAINING AND RESOURCE CENTER (SETRC) NETWORK

- ● *CENTERS IN BOCES (41)*
- ⊙ *CENTERS IN CITIES (9)*
- □ *CENTER AT STATE UNIVERSITY (1)*
- ☼ *COORDINATING OFFICE*